

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH McMULLEN,

Defendant.

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*Filed in Open Court*  
*11-28-05 jee*

Criminal No. 97-20190-Ma

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ORDER GRANTING UNITED STATES' UNOPPOSED  
REQUEST FOR PSYCHIATRIC EXAMINATION OF  
DEFENDANT PURSUANT TO  
TITLE 18, UNITED STATES CODE, SECTION 4243

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This cause came on to be heard this date, upon the unopposed, oral motion of the United States, and upon the entire record in this cause; and

IT SATISFACTORILY APPEARING TO THE COURT:

1. On July 5, 2002, the District Court entered an order granting a conditional release of the Defendant.

2. On April 19, 2005, a Petition was filed by the United States Probation Office alleging that the Defendant had violated certain conditions of his release, as those conditions were set forth in the above-referenced "Order Granting Conditional Release".

3. On April 22, 2005, the Defendant was brought, in custody, before United States Magistrate Judge Tu M. Pham, Defendant then being represented by court appointed counsel, pursuant to Title 18, United States Code, Section 4243(g).

4. The United States, based upon information concerning the defendant's conduct, as contained in the aforesaid Probation Officer's Petition, moved the Court for an order requiring further psychiatric and psychological examinations be conducted, regarding the Defendant. The Court granted said motion and entered its order on May 27, 2005.

5. The Defendant was subsequently evaluated and a report was submitted to the Court. On September 21, 2005, the Defendant appeared before the Court and it was determined that the Defendant should be conditionally released once appropriate placement was obtained through the United States Probation Office.

6. On November 25, 2005, the parties received notification from the U.S. Probation Office that appropriate placement for the Defendant could not be obtained without additional evaluation of the Defendant's present condition. Dr. David Mrad at the Federal Medical Center at Springfield was specifically consulted and agreed that additional evaluation of the Defendant was in order.

7. Title 18, United States Code, Section 4243(g) provides that the Court shall conduct a hearing to determine "whether [the Defendant] should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another." These re-examinations are needed in order to assist the Court in making an informed decision as required by Section 4243(g).

8. The above-referenced, unopposed, oral motion of the United States should be granted, for good cause shown;

**IT IS THEREFORE ORDERED:**

1. Pursuant to Title 18, United States Code, Sections 4243, the defendant, KENNETH McMULLEN is remanded to the custody of Attorney General, to be transported forthwith to the United States Medical Center for Federal Prisoners in Springfield, Missouri, and to remain at said Medical Center for a period not to exceed forty-five (45) days.

2. During the abovesaid period of time, psychiatric and psychological examinations shall be conducted, regarding this defendant, and a report filed with the Court, pursuant to the provisions of Section 4247(b) and (c).

ENTER THIS 28<sup>th</sup> DAY OF NOVEMBER, 2005.



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**SAMUEL H. MAYS, JR.**  
**United States District Judge**

**Approved:**



**DAN L. NEWSOM**  
**Assistant U.S. Attorney**



**APRIL R. GOODE**  
**Assistant Federal Defender**  
**Attorney for the Defendant**



## Notice of Distribution

This notice confirms a copy of the document docketed as number 57 in case 2:97-CR-20190 was distributed by fax, mail, or direct printing on December 5, 2005 to the parties listed.

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Honorable Samuel Mays  
US DISTRICT COURT